

The Honorable Marsha J. Pechman

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UNITED STATES DISTRICT COURT
WESTERN DISTRICT OF WASHINGTON

THE FEDERAL DEPOSIT INSURANCE CORPORATION, as RECEIVER of WASHINGTON MUTUAL BANK,

Plaintiff,

v.

KERRY K. KILLINGER, STEPHEN J. ROTELLA, DAVID C. SCHNEIDER, LINDA C. KILLINGER, and ESTHER T. ROTELLA,

Defendants.

) Case No.: 2:11-cv-00459-MJP

)
) FDIC’S UNOPPOSED MOTION FOR
) EXTENSION OF TIME TO RESPOND TO
) ESTHER T. ROTELLA’S MOTION TO
) DISMISS

) **Note on Motion Calendar:**
) **October 19, 2011**

) **[Local Civil Rules 7(d)(1)]**

Plaintiff Federal Deposit Insurance Corporation, as Receiver of Washington Mutual Bank (“FDIC”), by and through its undersigned attorneys, and pursuant to Federal Rule of Civil Procedure 6, hereby submits this *Unopposed* Motion for Extension of Time to Respond to Esther T. Rotella’s Motion to Dismiss, and states as follows.

On September 23, 2011, this Court entered an Order [Dkt. 81] granting the FDIC’s motion to compel jurisdictional discovery from Esther Rotella, which required “Defendant Esther Rotella to serve her answers to the FDIC’s jurisdictional interrogatories and requests for

FDIC’S UNOPPOSED MOTION FOR
EXTENSION OF TIME TO RESPOND TO
ESTHER T. ROTELLA’S MOTION TO DISMISS - 1
No. 2:11-cv-00459-MJP
#820103 v1 / 44469-001

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1 production within 20 days of entry of this order.” The Court set October 21 as the due date for
2 the FDIC’s response to Esther Rotella’s motion to dismiss [Dkt. 54] and October 28 for Esther
3 Rotella’s reply.

4 On October 13, 2011, the FDIC received Esther Rotella’s response to the FDIC’s First
5 Set of Jurisdictional Interrogatories, the Rotellas’ response to the FDIC’s First Set of
6 Jurisdictional Requests for Production, and a separate document production. The FDIC does not
7 believe that October 21 is a sufficient amount of time for it to digest these discovery responses
8 and document production and draft a response to Mrs. Rotella’s motion to dismiss. The FDIC
9 therefore respectfully requests a one-week extension until and including October 28, 2011, in
10 which to file its response, and a consequent one-week extension of Mrs. Rotella’s reply date until
11 and including November 4, 2011.

12 Mrs. Rotella’s counsel, Deborah Stein, has indicated that she has no objection to this
13 proposed extension of the briefing schedule.

14 WHEREFORE, the FDIC respectfully requests that the briefing dates for Esther Rotella’s
15 motion to dismiss be extended by one week as follows:

- 16 (a) The FDIC’s response shall be due on or before October 28, 2011;
17 (b) Esther Rotella’s reply shall be due on or before November 4, 2011; and
18 (c) Esther Rotella’s motion to dismiss shall be re-noted from October 28, 2011, to
19 November 4, 2011.
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1 Dated: October 19, 2011.

2 Respectfully submitted,

3 FEDERAL DEPOSIT INSURANCE
4 CORPORATION, as Receiver for
5 WASHINGTON MUTUAL BANK,
6 *Plaintiff*

7 s/ Walter E. Barton
8 One of Its Attorneys

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1 **CERTIFICATE OF SERVICE**

2 I hereby certify that on October 19, 2011, the foregoing was electronically filed with the
3 Clerk of the Court using the CM/ECF system which will send notification of such filing to all
4 counsel of record who receive CM/ECF notification, and that the remaining parties shall be
5 served in accordance with the Federal Rules of Civil Procedure.
6

7
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